



SUPREME COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

Victor Delgado

Plaintiff(s)

against

1-A. Korenegay Senior House HDFO  
c/o Prestige Management Inc.  
2-Realty Advisory Board on Labor  
Relations, Inc.  
3-Local 32BJ - Service Employees  
International Union

Defendant(s)

Index No.  
Date purchased

07110426  
7/30/07

Plaintiff(s) designate(s)  
New York  
County as the place of trial.  
Plaintiff's Residence  
The basis of the venue is

### Summons with Notice

Plaintiff(s) reside(s) at  
2101 Lexington Ave.

County of New York

To the above named Defendant(s)

**You are hereby summoned** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated, July 10, 2007

Defendant's address: 3485 East Tremont Ave.  
Bronx, NY 10465

7 Penn Plaza  
New York, NY 101 Avenue of Americas  
Suite 301 New York, NY

Notice: The nature of this action is

Action to vacate or modify the arbitration decision & award.

Marino & Veneziano  
Attorney(s) for Plaintiff  
Victor Delgado  
Office and Post Office Address  
163 West 71 Street  
New York, NY 10023  
(212) 873-7297

The relief sought is

To vacate or modify the arbitration decision & award.

Upon your failure to appear, judgment will be taken against you by default for the sum of \$  
with interest from 19 and the costs of this action.

NOT  
COUNTY

JUL 30 2007

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VICTOR DELGADO

Plaintiff

-against-

- 
- 1) A. Korenegay Senior House HDFO  
c/o Prestige Management Inc.
  - 2) Realty Advisory Board on Labor  
Relations, Inc.
  - 3) Local 32BJ - Service Employees  
International Union
- 

COMPLAINT

INDEX #

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07 110426

JUL 30 2007

Plaintiff by his attorneys Marino & Veneziano, Esqs. 163 West 71<sup>st</sup> Street, New York, NY 10023 allege as follows:

1. That Victor Delgado is a resident of New York City.
2. That the defendants are all residences and or have their place of business in the County of New York, State of New York.
3. On or about May 4, 2007 an opinion and award was rendered by the arbitrator on behalf of the employer and against Victor Delgado, employee. A copy of the opinion and award is attached.
4. We are submitting this affirmation in support of our action to vacate or modify the arbitrators opinion and award.
5. I am the attorney for Victor Delgado was present at the arbitrators office on the date of the hearing. I advised all parties that I was the attorney for Victor Delgado and I was substituting the former attorney.

Pursuant to the union rules, I was entitled to an automatic adjournment of the arbitration hearing and I requested such an adjournment. My request for an adjournment was the 1<sup>st</sup> request for an adjournment of the arbitration hearing. My request was denied. I spoke to the attorney for the union and I requested that the arbitration be adjourned and that our firm be allowed to represent Victor Delgado individually or as co-counsel with the union's attorney. My request was denied.

OFFICE

2007

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I subsequently requested that the arbitration hearing be stayed so that Victor Delgado can present additional evidence which may affect the outcome of this case and/or that the pending matter be stayed until there is a decision by the Human Rights Commission on a similar matter pending before the Human Rights Commission.

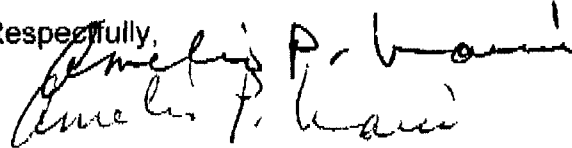
The evidence that we were prevented from presenting to the arbitration was documentation that Victor Delgado was an excellent employee and that his firing was retaliation for the correct actions of Victor Delgado.

6. The arbitrators decision and award resulted in Victor Delgado in the termination of Victor Delgado's employment and that he was entitled to severance pay. The amount of severance pay was not determined.

Wherefore, it is respectfully requested that the arbitrators decision and award be vacated or modified to the extent that additional time be granted to Victor Delgado vacate the premises and that a substantial amount be granted to Victor Delgado for severance pay plus attorney fees and moving expenses.

Dated: New York, New York  
July 25, 2007

Respectfully,

  
Amelio P. Marino

Marino 7 Veneziano  
163 West 71<sup>st</sup> Street  
New York, NY 10023  
(212) 873-7297

STATE OF NEW YORK, COUNTY OF

SS..

I, the undersigned, an attorney admitted to practice in the courts of New York State,

☐ **Certification By Attorney** certify that the within  
has been compared by me with the original and found to be a true and complete copy.  
☐ **Attorney's Affirmation** state that I am  
the attorney(s) of record for

Check Applicable Box

action; I have read the foregoing in the within  
and know the contents thereof;  
the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters  
I believe it to be true. The reason this verification is made by me and not by

The grounds on my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated:

STATE OF NEW YORK, COUNTY OF

I, the undersigned, being duly sworn, depose and say: I am

☒ **Individual Verification** in the action; I have read the foregoing

Check Applicable Box

☐ **Corporate Verification** as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.  
the of

corporation and a party in the within action; I have read the foregoing  
and know the contents thereof; and the same is true to my own knowledge,  
except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This  
verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on

AMELIO P. MARINO  
Notary Public, State of New York  
No. 02MA7716880  
Qualified in New York County  
Certificate Filed in New York County  
Commission Expires June 30, 2010

STATE OF NEW YORK, COUNTY OF

SS..

(If more than one box is checked—indicate after names type of service used.)

I, the undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at

On I served the within  
☐ **Service by Mail** by mailing a copy to each of the following persons at the last known address set forth after each name below.  
☐ **Personal Service on Individual** by delivering a true copy of each personally to each person named below at the address indicated. I knew each person served  
to be the person mentioned and described in said papers as a party therein:  
☐ **Service by Electronic Means** by transmitting a copy to the following persons by ☐ FAX at the telephone number set forth after each name below ☐ E-MAIL  
at the E-Mail address set forth after each name below, which was designated by the attorney for such purpose, and by mailing a  
copy to the address set forth after each name.  
☐ **Overnight Delivery Service** by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after each name  
below

Check Applicable Box

## STATE OF NEW YORK, COUNTY OF

SS:

I, the undersigned, an attorney admitted to practice in the courts of New York State,

☐ **Certification  
By Attorney**

certify that the within

has been compared by me with the original and found to be a true and complete copy.

☐ **Attorney's  
Affirmation**

state that I am

the attorney(s) of record for

action; I have read the foregoing

the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by

in the within

and know the contents thereof;

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated:

The name signed must be printed beneath

## STATE OF NEW YORK, COUNTY OF

SS:

I, the undersigned, being duly sworn, depose and say: I am

☐ **Individual  
Verification**

in the action; I have read the foregoing

and know the contents thereof; the same is true to my own knowledge, except

as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

☐ **Corporate  
Verification**

the \_\_\_\_\_ of \_\_\_\_\_

corporation and a party in the within action; I have read the foregoing

and know the contents thereof; and the same is true to my own knowledge,

except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on

The name signed must be printed beneath

## STATE OF NEW YORK, COUNTY OF

SS:

(If more than one box is checked—indicate after names type of service used.)

I, the undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at

On

I served the within

☐ **Service  
By Mail**

by mailing a copy to each of the following persons at the last known address set forth after each name below.

☐ **Personal  
Service on  
Individual**

by delivering a true copy of each personally to each person named below at the address indicated. I knew each person served to be the person mentioned and described in said papers as a party therein.

☐ **Service by  
Electronic  
Means**by transmitting a copy to the following persons by ☐ FAX at the telephone number set forth after each name below ☐ E-MAIL at the E-Mail address set forth after each name below, which was designated by the attorney for such purpose, and by mailing a copy to the address set forth after each name.☐ **Overnight  
Delivery  
Service**

by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after each name below.

Check Applicable Box

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**MARINO & VENEZIANO**

*Attorney for*

*Office and Post Office Address, Telephone*

163 WEST 71ST STREET  
BOROUGH OF MANHATTAN, NEW YORK CITY 10023  
(212) 873-7297  
(212) 873-7298

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To

Signature (Rule 130-1.1-a)

Print name beneath

Attorney(s) for

---

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

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Please take notice

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a  
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order  
settlement to the HON.

of which the within is a true copy will be presented for  
one of the judges

of the within named court, at  
on

at

M

Dated,

Yours, etc.

**MARINO & VENEZIANO**

*Attorney for*

To

*Office and Post Office Address*

Attorney(s) for

163 WEST 71ST STREET  
BOROUGH OF MANHATTAN, NEW YORK CITY 10023  
(212) 873-7297